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PTO/SB/01A (10-00)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**DECLARATION (CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION
DATA SHEET (37 CFR 1.76)**

47586-P062US-10026079

As a below named inventor(s), I/we declare that:

The declaration is directed to:

☐ The attached application, or☒ Application No. 09/874,932, filed on 06/05/2001☐ as amended on _____ (if applicable).

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the National or PCT international filing date of the continuation-in-part application, if applicable; and

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME(S) OF INVENTORS:Inventor one: Piu B. WongSignature: Piu B. Wong Citizen of: Hong KongInventor two: Shimon B. ScherzerSignature: S B Scherzer Citizen of: US

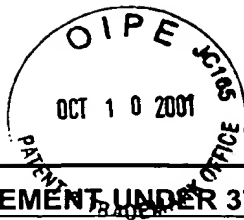
Inventor three: _____

Signature: _____ Citizen of: _____

Inventor four: _____

Signature: _____ Citizen of: _____

☐ Additional inventors are being named on _____ additional form(s) attached hereto.



STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Piu B. Wong, et al.

Application No./Patent No.: 09/874,932

Filed/Issue Date: June 5, 2001

Entitled: DIRECTED MAXIMUM RATIO COMBINING METHODS FOR HIGH DATA RATE TRAFFIC

Metawave Communications Corporation, a

corporation

(Name of Assignee)

Type of Assignee, e.g., corporation, partnership, university, government agency, etc.

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by, percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

A. [] An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. [] A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

[] Additional documents in the chain of title are listed on a supplemental sheet.

[X] Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

October 5, 2001

Date

R. Ross Viguet

Typed or printed name

Signature

Attorney for Applicant(s)

Title

Statement By Assignee to Establish Ownership (37 CFR 3.73(b))

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on the date shown below.

Dated: October 5, 2001

Signature: Rita J. Carr

(Rita J. Carr)

ASSIGNMENT BY INVENTORS

THIS ASSIGNMENT, mad by Piu B. Wong and Shimon B. Scherzer (hereinafter referred to as Assignors), residing at 17280 Clara Street, Monte Sereno, California 95030 and 1648 Mariani Drive, Sunnyvale, California 94087, respectively;

WHEREAS, Assignors have invented certain new and useful improvements in DIRECTED MAXIMUM RATIO COMBINING METHODS FOR HIGH DATA RATE TRAFFIC, set forth in a Patent application for Letters Patent of the United States, already filed on June 5, 2001 as U.S. application No. 09/874,932; and

WHEREAS, Metawave Communications Corporation, a corporation organized under and pursuant to the laws of having its principal place of business at 10735 Willows Road NE; Redmond 98073; U.S.A. (hereinafter referred to as Assignee), is desirous of acquiring the entire right, title and interest in and to said inventions and said Application for Letters Patent of the United States, and in and to any Letters Patent of the United States to be obtained therefor and thereon.

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, Assignors have sold, assigned, transferred and set over, and by these presents do sell, assign, transfer and set over, unto Assignee, its successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned inventions and application for Letters Patent, and in and to any and all direct and indirect divisions, continuations and continuations-in-part of said application, and any and all Letters Patent in the United States and all foreign countries which may be granted therefor and thereon, and reissues, reexaminations and extensions of said Letters Patent, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by Assignee, for its own use and benefit and the use and benefit of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent may be granted and/or extended, as fully and entirely as the same would have been held and enjoyed by Assignors, had this sale and assignment not been made.

AND for the same consideration, Assignors hereby represent and warrant to Assignee, its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, except for any rights, titles and/or interests that have arisen to Assignee under law or that have already been transferred to Assignee, Assignors are the sole and lawful owners of the entire right, title and interest in and to the said inventions and application for Letters Patent above-mentioned, and that the same are unencumbered and that Assignors have good and full right and lawful authority to sell and convey the same in the manner herein set forth.

AND for the same consideration, Assignors hereby covenant and agree to and with Assignee, its successors, legal representatives and assigns, that Assignors will sign all papers and documents, take all lawful oaths and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of any Letters Patent and applications for Letters Patent for said inventions, without charge to Assignee, its successors, legal representatives and assigns, whenever counsel of Assignee, or counsel of its successors, legal representatives and assigns, shall advise: that any proceeding in connection with said inventions, or said Patent application for Letters Patent, or any proceeding in connection with any Letters Patent or applications for Letters Patent for said inventions in any country, including but not limited to interference proceedings, is lawful and desirable; or, that any division, continuation or continuation-in-part of any application for Letters Patent, or any reissue, reexamination or extension of any Letters Patent, to be obtained thereon, is lawful and desirable.

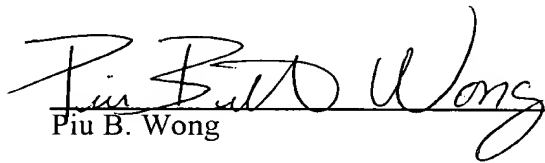
AND Assignors hereby request the Commissioner of Patent and Trademarks to issue said Letters Patent of the United States to Assignee, as Assignee of said inventions and the Letters Patent to be issued thereon, for the sole use and benefit of Assignee, its successors, legal representatives and assigns.

AND Assignors hereby grant the following individuals the power to insert on this Assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document:

FULBRIGHT & JAWORSKI L.L.P.

Jody C. Bishop	44,034	Jerry Mahurin	34,661	David H. Tannenbaum	24,745
Michael J. Fogarty, III	42,541	Thomas J. Meaney	41,990	William B. Tiffany	41,347
Leslie S. Garmaise	47,587	Michael A. Papalas	40,381	R. Ross Viguet	42,203
Matthew D. Jones	44,810				

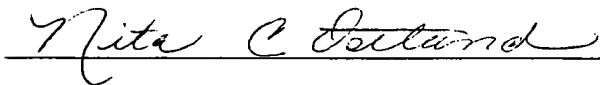
AND Assignors acknowledge an obligation of assignment of this invention to Assignee at the time the invention was made.

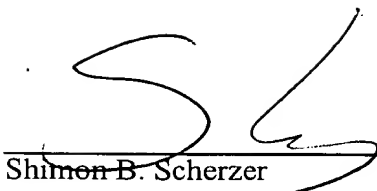

Piu B. Wong

State of ~~California~~ ^{Washington})
) ss.
County of ^{King})

On August 21, 2001, before me, Nita C. Ostland, personally appeared Piu B. Wong ☒ personally known to me ☐ proved to me on the basis of satisfactory evidence, to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.


Nita C. Ostland


Shimon B. Scherzer

State of ~~California~~ ^{Washington})
) ss.
County of King)

On August 22, 2001, before me, Nita C. Ostlund, personally
appeared Shimon B. Scherzer ☒ personally known to me ☐ proved
to me on the basis of satisfactory evidence, to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the
same in his/her/their authorized capacity(ies), and that by his/her/their signature on the
instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the
instrument.

WITNESS my hand and official seal.

Nita C Ostlund